

Committee(s): Professional Standards and Integrity Committee	Dated: 29 November 2022
Subject: Review of the Baroness Casey Misconduct in the Metropolitan Police Service- Interim review of recommendations for the City of London Police	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1- People are Safe and Feel Safe
Does this proposal require extra revenue and/or capital spending?	N/A
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Commissioner of Police Pol 116-22	For Information
Report author: Claire Cresswell, Detective Chief Inspector, Professional Standards, Professionalism and Trust Portfolio	

Summary

The Baroness Casey review of the culture and standards within the Metropolitan Police Service published its initial findings on 17th October 2022. It is important that the City of London Police review their own culture and standards in light of the findings to provide crucial learning opportunities and to develop confidence in the Force's ability to identify and manage misconduct and poor behaviour.

A full review will be undertaken in due course under the governance of the Professionalism and Trust Portfolio and reported directly into the Force's Renewing and Rebuilding Trust and Confidence Board for scrutiny. However, this interim report outlines the swift initial review to draw out key learning or areas for development. Each recommendation is covered in turn with high level responses provided.

Recommendation(s)

Members are asked to note the report.

Main Report

1. Background

The Baroness Casey review of the culture and standards within the Metropolitan Police Service published its initial findings on 17th October 2022. It is important for the City of London Police review their own culture and standards in light of the findings to provide crucial learning opportunities and to develop confidence in the force's ability to identify and manage misconduct and poor behaviour.

2. Current Position

Each recommendation from the Baroness Casey review has been reviewed against the City of London Police data and management process. This interim report outlines a swift initial review to draw out key learning or areas for development. Each recommendation is discussed in turn with high level responses provided. At a later stage a full review will be undertaken under the governance of the Professionalism and Trust Portfolio and reported directly into the Force's Renewing and Rebuilding Trust and Confidence Board for scrutiny.

3. Recommendations review

- 1) **The Met takes too long to resolve misconduct cases. On average, the Met takes 400 days to finalise misconduct allegations from start to finish. Even removing those involving the Independent Office for Police Conduct, cases still take, on average, nearly 350 days. Nearly 20% of misconduct cases take more than two years to finalise.**

CoLP position: For the years 2020-2022 the force took on average 58 days to investigate misconduct cases. There has been an increase of 400% in the financial year 2022-23 of misconduct cases so the force will need to review how this impacts timeliness in the future. No cases took more than a year to finalise.

- 2) **Officers and staff do not believe that action will be taken when concerns around conduct are raised. And they are right not to do so as, consistently, 55-60% of misconduct allegations made by Met officers, staff and their families receive a 'no case to answer' decision. Line managers and supervisors are warning staff against taking misconduct action, so that the view that nothing happens is institutionalised.**

CoLP Position: Culturally the force has put a lot of emphasis on the importance of challenging and reporting inappropriate behaviour and providing education on this process. This is supported by the force values and reinforced through communication, education and inputs.

For misconduct cases over the period of 2020-2022 50% of misconduct cases resulted in a case to answer. Of the nine cases with no case to answer, one was discontinued and three resulted in Reflective Practice. The Op Hood review considered specific conduct cases linked to sexual and domestic abuse and found that decision making was appropriate and proportionate including the outcome reached. The Professional Standards Dept (PSD) Senior Leadership Team (SLT) continues to have oversight of all conduct cases to ensure appropriateness of investigations and outcomes in line with Police Conduct Regulations.

- 3) **Allegations relating to sexual misconduct and other discriminatory behaviours are less likely than other misconduct allegations to result in a 'case to answer' decision. 'Case to answer' decisions are given to 20% of**

allegations concerned with breaching equality and diversity rules, and 29% of allegations involving sexual misconduct compared to 33% of all finalised allegations. This suggests that equality and discrimination issues are not being tackled effectively.

CoLP Position: The force recently conducted Operation Hood, a historical review of cases of Domestic abuse or sexual abuse (DASA). It found that the force was higher than the national average in relation to investigations that resulted in a case to answer. Nationally 32% of DASA cases have a positive outcome. For the City of London Police 37% resulted in a positive outcome/case to answer. The historical review has identified learning that should further increase the positive outcome rate for such cases in the future,

- 4) The misconduct process does not find and discipline officers with repeated or patterns of unacceptable behaviour. Between 2013 and 2022, 20% of officers and staff in the misconduct system have been involved in two or more cases, but the data shows that less than 1% of those officers have been dismissed. The current approach to misconduct only allows for allegations to be dealt with individually and as far as we can see, connections are not made to prior concerns raised which fall short of formal misconduct. This means repeated or escalating misconduct is not spotted, missing those who potentially pose most risk to others.**

CoLP Position: Much of the difficulty with patterns of behaviour where previous matters have been dealt with, is that the Police Regulations are overly complex and bureaucratic and do not allow for cases that have outcomes already to be reconsidered. However, the Counter Corruption team has proactive capabilities to identify repetitive patterns of behaviour that are concerning, and to put action in place through set processes to ensure any further misconduct is identified at the earliest opportunity. In addition, where an officer goes through a misconduct process, previous misconduct outcomes or relevant material is shared appropriately with the panel to ensure that the background of the officer is known. This makes for more sound decision making whilst working within the confines of Police Regulations.

- 5) The Met does not fully support local Professional Standards Units (PSUs) to deal with misconduct effectively. Many misconduct cases are handled by the local PSUs working in individual commands rather than the central Directorate of Professional Standards (DPS). It is my view that PSUs are overstretched, under resourced and do not receive training in misconduct, undermining local efforts to improve standards of behaviour. Greater authority and support should be given to PSUs as a matter of urgency.**

CoLP Position: The City of London Police does not have this issue. All complaint and conduct matters are investigated within the central Professional

Standards Department under the direction and control of the Head of PSD. This means that all investigations are conducted by officers with consistency of approach, appropriate training and expertise to manage the case and have the correct level of supervisory oversight by a supervisor with knowledge of the Police Regulations.

- 6) The Met is not clear about what constitutes ‘Gross Misconduct’ and what will be done about it. The Met threshold and interpretation for what counts as ‘Gross Misconduct’ is set too high, meaning too many of those who fall short of what the public would expect cannot be removed. In addition to this, where a case to answer for ‘Gross Misconduct’ is found, the number of those actually dismissed has fallen significantly in recent years.**

CoLP Position: The subject of whether PSD is setting the bar for Gross misconduct too high may need review by an external force or different area of the business to ensure appropriateness. However, as recommended nationally, PSD has had consistency of staffing in critical roles for the past eight years, the two delegated Appropriate Authority roles have been held by two individuals for the whole period, meaning that there is consistency of approach to what constitutes Gross Misconduct. This is informed by the values of the force, the public expectation, considers regional and national trends and uses the College of Policing Guidance on Misconduct Outcomes in all cases. Oversight is provided by the ultimate Appropriate Authority at Chief Officer Level.

- 7) There is racial disparity throughout the Met’s misconduct system. Despite improvement, it was still the case in 2021-22 that Black officers and staff were 81% more likely than White officers to have misconduct allegations brought against them, while Asian officers were 55% more likely. Black and Asian officers were also more likely to have an allegation substantiated than White officers. This is a long standing issue and is clear evidence of systemic bias.**

CoLP Position: The City of London PSD provided a report on Disproportionality of Misconduct outcomes to the Chief Officer Team and key internal stakeholders two years ago. This report is in the process of an additional review with the latest datasets available. This is part of the force’s work to address the national Race Action Plan. However, due to the low number of officers dismissed in force, data is not statistically significant or useful because it is heavily impacted by single cases. PSD is also conducting a historical review of allegations of racial discrimination allegations made internally and of conduct cases linked to racial discrimination internally and externally. It will also consider if more black officers and staff are referred to PSD by their line management. It is hoped that this review will inform learning and improve the service provided with regards to these type of cases in the future.

- 8) **Regulation 13 is not being used fairly or effectively in relation to misconduct. Regulation 13 (which allows for the removal of probationers) is not being used to remove enough of those officers who should not be in policing, with only 8% of cases in the most recent year resulting in dismissal. Regulation 13 is also, however, being used disproportionately on those from ethnic minorities, with Black officers being 126% more likely and Asian officers 123% more likely to be subject to a Regulation 13 case than White officers.**

CoLP Position: The City of London Police has not historically used regulation 13 effectively. Over the last five years, there is only one recorded instance of Regulation 13 being used which was in August 2022. There is therefore no statistically relevant data available to consider disproportionality of its use, though it is noted that the officer dismissed was a white male. There has been much national pressure to use Regulation 13 effectively. PSD has a SPOC who provide HR and learning and development with support and guidance in this area. Key stakeholders in the force are due to go on national Regulation 13 training and the Chief Officer Team are supportive of its use when appropriate. Learning and Development Senior Leaders will ensure effective training and awareness in this area for all their staff. Consideration is being given to providing an input to supervisors on Regulation 13 so they can identify cases at the earliest opportunity that may be suitable for this process. Where it is appropriate to use Misconduct regulations and ensure inclusion on the Barred list this process is followed effectively.

4. Conclusion

The Force is working to ensure that it continues to improve its management of conduct against officers. The findings of this initial review alongside the full review managed by the Professionalism and Trust Portfolio will ensure the recommendations in this report are carried forward with appropriate oversight and scrutiny. This will help to ensure that professional standards are maintained and there is continuous improvement in this area.

Background Papers

Baroness Casey Interim Review of Misconduct in the Metropolitan Police Service - [Analytical Report - evidence to support Baroness Casey of Blackstock's conclusions about the current misconduct system in the Metropolitan Police Service](#)

Contact:

Claire Creswell

Detective Chief Inspector

Professional Standards

Professionalism and Trust Portfolio.

E: Claire.cresswell@cityoflondon.police.uk